

REMARKS

Claims 1, 4 through 15, and 17 through 27 are pending in the application. The claims stand rejected under 35 U.S.C. § 103 as obvious in view of the EP '209 publication and Goulait '058, as set forth in the previous Office Action dated July 11, 2005. Claim 1 also stands rejected under § 103(a) in view of U.S. Patent Publication No. 2002/0143311 to Brisebois in view of Goulait '058, as set forth in the current Office Action. Claim 1 also stands rejected under 35 U.S.C. § 112, second paragraph, for use of the phrase "generally the entire surface area." With the present Amendment, this phrase has been deleted from claim 1.

In response to the position set forth in applicant's Amendment of September 29, 2005, with respect to the obviousness rejection in view of the EP '209 publication and Goulait '058, the Examiner acknowledged that the EP '209 reference fails to show particular features upon which the applicant asserted as distinguishing, in particular the fact that, with the present invention, the wings are separate from each other and each wing has several possible positions for attachment to the garment facing side of the article. In at least some of these positions, the wings differ in their spacing from each other in a transverse and longitudinal direction. However, it is the Examiner's position that particular structure is not set forth in the claims related to these distinctions, particularly noting that 35 U.S.C. § 112, sixth paragraph, has not been invoked.

Applicant respectfully submits that sufficient structure was set forth in the independent claims (claims 1 and 18) related to the distinguishing features, particularly the claimed hook material defined in a pattern extending over the garment facing side of the absorbent article and the hook compatible material on the body facing side of the

wing, as well as hook material extending in a pattern over the garment facing side of the wing. In any event, to alleviate any possible confusion on this issue, it is proposed to amend independent claims 1 and 18 to positively invoke “means plus function” of § 112, paragraph six. In particular, claim 1 is amended to call for means for variably positioning and removably attaching each of the physically separate wings at any location on the entirety of the garment facing side of the absorbent article. The structure for the claimed function encompasses the pattern of hook material defined on the garment facing side of the absorbent article and hook compatible material on the body facing side of the wing disposed in an amount and pattern so as to permit variable positioning of each separate wing at any location on the garment facing side of the absorbent article. Thus, each wing has several possible positions for attachment to the garment facing side of the article, at least some of which positions can differ in their spacing from each other in a transverse and longitudinal direction. It should be appreciated that the claimed structure also encompasses structure equivalent to that described or illustrated in the application.

Accordingly, applicants respectfully submit that claim 1 patentably defines over the combination of the EP '209 publication and Goulait '508 for essentially the reasons discussed in applicants' last amendment and in view of the argument set forth above.

Independent claim 18 has also been amended to call for means for variably positioning and removably attaching each wing at any location on the garment facing side of the baffle. Once the wings are attached, a pattern of hook material is presented on the garment facing sides of the baffle and attached wings. The discussion set forth above with respect to claim 1 applies to claim 18 as well. Accordingly, applicants

respectfully submit that independent claim 18 is also allowable over the combination of the EP '209 and Goulait '508 references.

Applicants also respectfully submit that claims 1 and 18 as amended and presented herein patentably distinguish over the combination of the Brisebois '311 publication and Goulait '058. The Brisebois '311 publication describes a "kit" that includes a sanitary napkin and at least one pantyliner. Each of these articles are, in and of themselves, an absorbent article. The publication describes that the pantyliner can be configured with the sanitary napkin in a transverse orientation so as to form flaps along the longitudinal sides edges of the sanitary napkin. If the user desires a sanitary napkin without flaps, then the pantyliner is not utilized. In the same respect, the user can employ the pantyliner separately from the sanitary napkin. However, there is no embodiment of the Brisebois '311 publication wherein individual and physically separate wing structures are attached to the sanitary napkin, including the embodiment of Figs. 6 and 7. In all embodiments of Brisebois '311, the "wings" are provided by a unitary pantyliner. Thus, the wings are not separate from each other and are not independently and variably positionable on the garment facing side of the sanitary napkin.

There is also no motivation or suggestion in the references to completely reconfigure the invention of Brisebois '311 to provide for physically separate and independently and variably positionable wing structures. Any such modification would contradict the "kit" nature of the invention of Brisebois '311 wherein a pantyliner and separate sanitary napkin may be used individually or in combination.

Accordingly, applicants respectfully submit that independent claims 1 and 18 also patentably distinguish over the combination of the Brisebois '311 publication and Goulait '058.

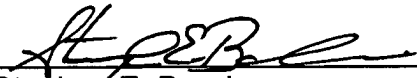
Claims 4 through 15 and 17 only further patentably define the invention of claim 1 and are allowable for at least the reasons claim 1 is allowable. Likewise, claims 19 through 27 only further patentably define the invention of claim 18 and are allowable for at least the reasons claim 18 is allowable.

Applicants respectfully submit that the present Amendment is proper for entry and consideration at this point in prosecution. The amendments to the claims are meant to invoke the structural limitations that have obviously been considered and searched for by the Examiner. It is submitted that the present Amendment will place the application in condition for allowance without any further undue burden being placed on the Examiner.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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